

## **REMARKS**

Claims 1, 5, 8 and 15 are amended. Claims 1-20 and 40-61 are pending in the application.

Claims 1-20 and 40-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of Srinivasan, U.S. Patent No. 5,731,235; and Kobayashi, European Patent No. 886308. The Examiner is reminded by direction to MPEP § 2143 that a proper obviousness rejection has the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 1-20 and 40-61 are allowable over the combination of Srinivasan and Kobayashi for at least the reason that the references, individually or as combined, failed to disclose or suggest each and every limitation in any of those claims.

As indicated in applicant's previous responses, Srinivasan and Kobayashi, individually or as combined, failed to disclose or suggest utilization of an oxidation step to form a silicon oxide comprising layer after forming a silicon nitride comprising layer. This combination of references additionally fails to provide a reasonable expectation that such oxidation could successfully achieve formation of the silicon oxide comprising layer and effectively filling pinholes in a silicon nitride layer. The examiner indicates at page 4-5 of the present action that previous arguments were unpersuasive because the claims fail to recite a limitation indicating that oxidation effectively fills pinholes with silicon oxide derived from underlying first capacitor electrode materials. Without admission as to the propriety of the examiners statements independent claims 1, 5, 8

and 15 are each amended to recite oxidizing to form silicon oxide effective to fill pinholes where at least some of the silicon comprised by the silicon oxide is contributed from a first capacitor electrode. The amendment to the claims is supported by the specification at, for example, page 9, lines 5-10. Accordingly independent claims 1, 5, 8 and 15 are believed to be allowable over the art of record.

Dependent claims 2-4, 6-7, 9-14, 16-20 and 40-61 are allowable over the combination of Srinivasan and Kobayashi for at least the reason that they depend from corresponding allowable base claims 1, 5, 8 and 15.

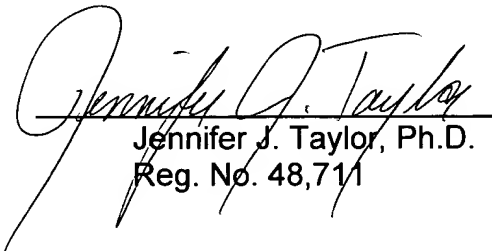
For the reasons discussed above, pending claims 1-20 and 40-61 are allowable. Accordingly applicant respectfully requests formal allowance of such pending claims in the examiners next action.

Respectfully submitted,

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By:

  
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